

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

TYRONE BROOKS

PLAINTIFF

VS.

CIVIL ACTION NO. 5:18-cv-61(DCB)(MTP)

GABIRAL WALKER and DIANE WALKER

DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATION

This cause is before the Court on United States Magistrate Judge Michael T. Parker's Report and Recommendation (docket entry 26). Magistrate Judge Parker evaluated sua sponte whether the Plaintiff's claims should be dismissed under 28 U.S.C. § 1915(e)(B)(ii) for failure to state a claim, and he recommends that this action be dismissed with prejudice pursuant to 28 U.S.C. § 1915(e)(2)(ii) and that the dismissal count as a strike pursuant to 28 U.S.C. § 1915(g).

Section 1915(g) provides that "[i]n no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, . . . brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury."

Magistrate Judge Parker finds that the Plaintiff fails to state a claim against the Defendants upon which relief may be granted, and recommends that this action be dismissed with prejudice.

The Plaintiff was advised of his right to object to the Report and Recommendation within 14 days after being served a copy of the Report and Recommendation, but he did not do so.

ACCORDINGLY,

IT IS HEREBY ORDERED that the Report and Recommendation is ADOPTED BY THE COURT;

FURTHER ORDERED that this action is DISMISSED WITH PREJUDICE pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) and that the dismissal count as a strike pursuant to 28 U.S.C. § 1915(g).

SO ORDERED, this the 11th day of September, 2019.

/s/ David Bramlette
UNITED STATES DISTRICT JUDGE